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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,668	06/20/2000	Gavin Peacock	PALM-3215	5356

7590 10/19/2005  
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EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/598,668	PEACOCK, GAVIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Quang N. Nguyen	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detail Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/21/2005 has been entered.

Claims 1-2, 8-9 and 15-16 have been amended. Claims 1-21 remain for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston et al. (US 6,101,531), herein after referred as Eggleston, in view of Joseph (US 6,038,603).**

4. As to claim 1, Eggleston teaches a method of transferring data from a mobile device, comprising:

a) forwarding information from an application on a mobile device to an exchange manager on the mobile device (*forwarding information from applications on the mobile end computer system 201 to a data transfer manager or exchange unit 206*) (Eggleston, Fig. 2 and C5: L23-48);

b) in response to said information, said exchange manager referencing an exchange library from a plurality of exchange libraries, wherein said exchange library defines a communication protocol for said identified transport mechanism (*the data exchange unit 206 referencing/accessing data encoder/decoder 203 to accommodate the system communications protocols* and a transceiver/modem 202 to connect to a wireless or wireline communications network) (Eggleston, Fig. 2 and C5: L23-48); and

c) transmitting said information to a computing device external to the mobile device using said communication protocol (*transmitting said information to communication server 220, VMS 230, local email post office 240, remote client-server host 255, and/or administrator host 260, etc., that is external to mobile end computer system 201*) (Eggleston, Fig. 2 and C5: L5-10).

However, Eggleston does not explicitly teach said information having associated therewith a Uniform Resource Locator (URL) containing an identified transport mechanism for transmitting said information.

In the related art, Joseph teaches resources maybe uniquely identified through the use of a uniform resource locator ("URL"), wherein a URL string

(*http://Server\_A/File\_Store/File*) containing an identified transport mechanism (*http://*) and a destination (*Server A*) that a browser/application uses to make a request directed to Server A in accordance with the http protocol (Joseph, Fig. 2C and C2: L20-64).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Eggleston and Joseph to include information having associated therewith a Uniform Resource Locator (URL) containing an identified transport mechanism for transmitting said information to an external computing device since such methods were conventionally employed in the art to allow a client via the browser uniquely identifying a desired resource by URL, which indicates a destination server on which the resource is located, the filename of the resource and the appropriate protocol to be used in retrieving the desired resource (Joseph, C1:L62 – C2:L8).

5. As to claim 2, Eggleston-Joseph teaches the method of claim 1, wherein the mobile device is a palmtop computer system comprising: a processor coupled to a bus; a memory unit coupled to said bus; a screen coupled to said bus; and a plurality of transport mechanisms (*a palmtop/handheld computer inherently comprises a processor, a memory unit, a screen coupled to a bus and a plurality of transport mechanisms*).

6. Claims 8-9 are corresponding system claims of method claims 1-2; therefore, they are rejected under the same rationale.

**7. Claims 3-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston-Joseph, further in view of Bodnar et al. (6,295,541), herein after referred as Bodnar.**

8. As to claims 3-4, Eggleston-Joseph teaches the method of claim 1, wherein the data transfer manager or exchange unit 206 accommodates data transfer over a wide variety of networks via data encoder/decoder 203 using various communications protocols including radio frequency (rf) or infrared protocol or proprietary wireless carrier protocols (Eggleston, C5: L30-42), but does not explicitly teach said plurality of communications protocols comprising an email protocol and a synchronization protocol.

In the related art, Bodnar teaches a palmtop computer capable of synchronization, infrared, radio frequency or wireless communications, and email communications (Bodnar, Fig. 2 and C10: L42-53).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Eggleston-Joseph and Bodnar to include email, infrared, radio frequency and synchronization protocols in said communications protocols since such methods were conventionally employed in the art to provide additional options (*i.e., additional protocols or transport mechanisms*) for communicating/synchronizing data between a broad range of networks and devices.

9. As to claim 5, Eggleston-Joseph-Bodnar teaches the method of claim 1, wherein said information is a data file (*"datasets" in C2: L23-33 of Bodnar and "File" 126 from Fig. 2C of Joseph*).

10. As to claim 6, Eggleston-Joseph-Bodnar teaches the method of claim 1, wherein said information is an application program (*"Official Notice" is taken as a "File" from Fig. 2C of Joseph and "datasets" of Bodnar might well be an application program*).

11. As to claim 7, Eggleston-Joseph-Bodnar teaches the method of claim 1, but does not explicitly teach prompting the user for any unspecified criteria such as protocol to use or/and destination of the desired resource.

"Official Notice" is taken that both the concept and advantages of a system prompting a user for unspecified criteria are well known and expected in the art (*it is obvious that the browser application has a text box "Address" for the user to enter the URL for the desired resource*).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to prompt the user for unspecified criteria such as protocol to use or/and destination of the desired resource since such methods were conventionally employed in the art to ensure the data is manipulated into the recognizable format before sending out to the receiving device using the compatible protocol.

12. Claims 10-14 are corresponding system claims of method claims 3-7; therefore, they are rejected under the same rationale.

**13. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston-Joseph-Bodnar, further in view of Skarbo et al. (6,317,777), herein after referred as Skarbo.**

14. As to claim 15, Eggleston-Joseph-Bodnar teaches the method for requesting and receiving data over the Internet by a mobile device as in claim 1 including the step of creating a separate instance of the GUD records for every data type, or every mapping of records files (*i.e., creating a record/file indicating a data type of a file*) (Bodnar, C39: L25-29), but does not explicitly teach the storing said file in memory and associating said file with a data set associated with said application.

In the related art, Skarbo teaches a method for web-based storage and retrieval of documents/files, comprising the step of storing the document onto local disk storage 354, and accessing a document registry 358 stored within a system registry to identify an associated application for the document (Skarbo, C10: L46-56).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Eggleston-Joseph-Bodnar and Skarbo to store said document/file in memory and associating said document/file with a data set associated with said application since such methods were conventionally employed in the art to allow the system to be flexible to accommodate and access data



transfer from a data origination device over a wide variety of networks to a wide variety of destination devices using various communications protocols with different data formats/types in order to reliably get conferencing data to conference participants, while utilizing standard registered applications (Skarbo, C1: L47-49 and C10:L46 – C11:L7).

15. Claims 16-21 are corresponding receiving method claims of transferring method claims 2-7; therefore, they are rejected under the same rationale.

### ***Response to Arguments***

16. In the remarks, Applicant argued in substance that

(A) Applicant argued, “there is insufficient suggestion or motivation to combine Joseph with Eggleston”.

As to point (A), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, **Eggleston (US 6,101,531)** teaches the claimed invention substantially, but does not explicitly teach said information having associated therewith a Uniform Resource Locator (URL) containing an identified transport mechanism for transmitting said information.

In the related art, **Joseph (US 6,038,603)** teaches resources maybe uniquely identified through the use of a uniform resource locator ("URL"), wherein a URL string (*http://Server\_A/File\_Store/File*) containing an identified transport mechanism (*http://*) and a destination (*Server A*) that a browser/application uses to make a request directed to Server A in accordance with the http protocol (**Joseph, Fig. 2C and C2: L20-64**).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of **Eggleston** and **Joseph** to include information having associated therewith a Uniform Resource Locator (URL) containing an identified transport mechanism for transmitting said information to an external computing device since such methods were conventionally employed in the art to allow a client via the browser uniquely identifying a desired resource by URL, which indicates a destination server on which the resource is located, the filename of the resource and the appropriate protocol to be used in retrieving the desired resource (**Joseph, C1:L62 – C2:L8**).

(B) Applicant argued "He (Joseph) never mentions the terms "mobile" or "wireless" or suggests that context for the URL features of his invention".

As to point (B), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).


17. Applicant's arguments as well as request for reconsideration filed on 09/21/2005 have been fully considered but they are not deemed to be persuasive.

18. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER